

**Notice of Allowability**

Application No.

09/922,839

Examiner

Sandra M. Nolan

Applicant(s)

MATSUNAGA ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 22 Dec 2003 and 29 Jan 2004 submissions.
2. ☒ The allowed claim(s) is/are 1-4,6 and 7.
3. ☒ The drawings filed on 07 August 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. Pursuant to entry of the amendments in the response dated 22 December 2003, claims 1-4 and 6-7 are pending and allowable.
3. The base claims, claims 1, 3, 6, and 7 can be summarized as follows:

Claim 1 covers a water blocking construction method that uses a coating for water blocking agents to fill empty joint spaces on continuous walls comprising:

- a) a water-absorbing resin,
- b) a hydrophilic binder resin, and
- c) a solvent,

wherein b) has an acid value of 40 to 500 mg KOH/g.

Claim 3 covers a coating for water blocking agents to fill empty joint spaces on continuous walls comprising:

- a) a water-absorbing resin,
- b) a hydrophilic binder resin, and
- c) a solvent,

wherein b) has an acid value of 40 to 500 mg KOH/g and the coating forms a water blocking coating film on a steel material surface.

Claim 6 covers a coating for water blocking agents to fill empty joint spaces on continuous walls comprising:

- a) a water-absorbing resin,
- b) a hydrophilic binder resin, and

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c) a solvent,

wherein b) has an acid value of 40 to 500 mg KOH/g and the coating is removable from the continuous walls after use.

Claim 7 covers a coating for water blocking agents to fill empty joint spaces on continuous walls comprising:

a) a water-absorbing resin,

b) a hydrophilic binder resin having an acid value of 40 to 500 mg KOH/g, and

c) a solvent,

wherein a) is a salt-resistant, water-absorbing resin and the coating is removable from the continuous walls after use.

4. The rejections most recently applied against the claims were a statutory double patenting rejection and an obviousness-type double patenting rejection. Those rejections have been overcome as follows:

5. The statutory double patenting rejection of claims 1, 2, and 4 has been overcome by the amendments to the claims in the 22 December 2003 response. As amended, these claims no longer cover the same subject matter as claims 1, 2, and 4 of Matsunaga et al (US 6,593,280), hereafter "the '280 patent".

6. The obviousness-type double patenting rejection of claims 3 and 5-7 over claims 1-9 of the '280 patent has been overcome by the terminal disclaimer dated 29 January 2004, which disclaimer has been found to be acceptable by a USPTO paralegal.

7. Also, there is no available prior art that teaches or suggests construction methods and coatings having all of the features of the above-summarized base claims.

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8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 571/272-1495. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, her supervisor, Harold Pyon, can be reached on 571/272-1498. The fax phone number for this application is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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